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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 JAIME R. SANCHEZ,

Case No. 2:19-cv-00389-JAD-PAL

8 Plaintiff,

9 v.

ORDER

10 LAS VEGAS METROPOLITAN
POLICE DEPARTMENT, et al.,

(Mot. Service by USM – ECF No. 10)

11 Defendants.

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13 This matter is before the court on Plaintiff Jaime R. Sanchez's Motion for Service by
14 Marshals (ECF No. 10). This Motion is referred to the undersigned pursuant to 28 U.S.C.
15 § 636(b)(1)(A) and LR IB 1-3 of the Local Rules of Practice.

16 Mr. Sanchez is proceeding in this action *pro se*, which means that he is not represented by
17 an attorney. *See* LSR 2-1. This case involves Sanchez's allegations of civil rights violations
18 pursuant to 42 U.S.C. § 1983. He initially filed this action and paid the \$400 filing fee in the U.S.
19 District Court for the Southern District of Florida on February 19, 2019. The court ordered a
20 transfer of venue to the District of Nevada, overruling Sanchez's objections, because the
21 underlying events took place in Las Vegas, defendants Las Vegas Metropolitan Police Department,
22 Officer Cooke, and Clark County Courthouse¹ reside in Las Vegas, and the witnesses and relevant
23 evidence are all in Las Vegas. *See* Mar. 5, 2019 Order (ECF No. 7) (citing 28 U.S.C. §§ 1391(b),
24 1406(a)).

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27 ¹ The Clark County Courthouse is a building. It is not a legal entity that may be sued. No government
28 agency or entity is subject to suit unless it is an independent legal entity. *Hervey v. Estes*, 65 F.3d 784,
791–92 (9th Cir. 1995). In Nevada, each city and county are political subdivisions of the state and
independent legal entities, which means each city and county can sue or be sued. *Clark County v. Lewis*,
498 P.2d 363, 365 (Nev. 1972); NRS 41.031(2). A building or office such as a courthouse may not be sued.

1 On March 21, 2019, Sanchez filed a motion requesting that the U.S. Marshal Service
2 (“USM”) serve all three defendants in this case. He cites no legal authority for his request and
3 provides no reasons why service of process should be handled by USM at public expense. Mr.
4 Sanchez is not proceeding *in forma pauperis* pursuant to 28 U.S.C. § 1915 and LSR 1-1 of the
5 Local Rules of Practice. The court must apply “even-handed care” to ensure that “federal funds
6 are not squandered to underwrite, at public expense, either frivolous claims” or the colorable
7 claims of a plaintiff “who is financially able, in whole or in material part, to pull his own oar.”
8 *Temple v. Ellerthorpe*, 586 F. Supp. 848, 850 (D.R.I. 1984) (collecting cases); *see also Denton v.*
9 *Hernandez*, 504 U.S. 25, 31 (1992) (recognizing Congress’ concern that “a litigant whose filing
10 fees and court costs are assumed by the public, unlike a paying litigant, lacks an economic
11 incentive to refrain from filing frivolous, malicious, or repetitive lawsuits”). The motion is denied.

12 In addition, the court notes that LSR 2-1 of the Local Rules of Practice states that a “civil
13 rights complaint filed by a person who is not represented by counsel *must be submitted on the form*
14 *provided by this court.*” *Id.* (emphasis added). Sanchez submitted a complaint on what appears to
15 be lined notebook paper, not the court’s approved form. If Sanchez wants to move forward with
16 his claims, he must submit an amended complaint on the court’s approved form. The Clerk of
17 Court will be directed to mail Sanchez a blank civil rights complaint.²

18 If Mr. Sanchez chooses to file an amended complaint, he must do so by **May 16, 2019**.
19 The amended complaint must contain a short and plain statement of: (1) the grounds for the court’s
20 jurisdiction; (2) any claim he has showing he is entitled to relief; and (3) a demand for the relief
21 he seeks. *See* Fed. R. Civ. P. 8(a). The amended complaint should set forth the claims in short
22 and plain terms, simply, concisely, and directly. *See Swierkeiewicz v. Sorema N.A.*, 534 U.S. 506,
23 514 (2002). This means Sanchez should avoid legal jargon and conclusions. Instead, he should
24 summarize the information he believes to be relevant in his own words for each claim asserted in

25 ² The Complaint for Violation of Civil Rights (non-prisoner), Pro Se Form 15, is also available for
26 download on the United States Courts’ website free of charge at [www.uscourts.gov/forms/pro-se-](http://www.uscourts.gov/forms/pro-se-forms/complaint-violation-civil-rights-non-prisoner)
27 [forms/complaint-violation-civil-rights-non-prisoner](http://www.uscourts.gov/forms/pro-se-forms/complaint-violation-civil-rights-non-prisoner). Litigants may access the District of Nevada’s pro se
28 assistance packet through a link on the court’s website: www.nvd.uscourts.gov. *See Filing a Complaint on*
Your Own Behalf in the United States District Court, District of Nevada, available at
www.nvd.uscourts.gov/wp-content/uploads/2017/08/Representing-Yourself-Guide.pdf.

1 the amended complaint. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (Rule 8 demands “more than
2 labels and conclusions” or a “formulaic recitation of the elements of a cause of action”).

3 Mr. Sanchez is advised to support each of his claims with factual allegations because all
4 complaints “must contain sufficient allegations of underlying facts to give fair notice and to enable
5 the opposing party to defend itself effectively.” *Starr v. Baca*, 652 F.3d 1202, 1216 (9th Cir.
6 2011). When claims are alleged against multiple defendants, the complaint should clearly indicate
7 which claims apply to which defendant. *McHenry v. Renne*, 84 F.3d 1172, 1178 (9th Cir. 1995).
8 Sanchez should specifically identify each defendant to the best of his ability, clarify what
9 constitutional right he believes each defendant violated and support each claim with factual
10 allegations about each defendant’s actions. Where multiple claims are alleged, the complaint
11 should identify which factual allegations give rise to each particular claim. *McHenry*, 84 F.3d at
12 1178. A plaintiff must state “enough facts to raise a reasonable expectation that discovery will
13 reveal evidence” of the allegations charged. *Cafasso, United States ex rel. v. General Dynamics*
14 *C4 Systems, Inc.*, 637 F.3d 1047, 1055 (9th Cir. 2011) (quoting *Bell Atlantic Corp. v. Twombly*,
15 550 U.S. 544, 556 (2007)).

16 Mr. Sanchez is also informed that the court cannot refer to a prior pleading (*i.e.*, the original
17 complaint) in order to make the amended complaint complete. Local Rule 15-1 requires that an
18 amended complaint be complete in itself without reference to any prior pleading. *See* LR 15-1(a).
19 This is because, as a general rule, an amended complaint supersedes the original complaint.
20 *Ramirez v. County of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015). Once a plaintiff files
21 an amended complaint, the original pleading no longer serves any function in the case. *Ferdik v.*
22 *Bonzelet*, 963 F.2d 1258, 1262 (9th Cir. 1992). Therefore, in an amended complaint, as in an
23 original complaint, each claim and the involvement of each defendant must be sufficiently alleged.

24 The court appreciates that it is difficult for pro se parties to litigate their claims; thus,
25 Sanchez is advised to familiarize himself with the Federal Rules of Civil Procedure and the Local
26 Rules of Practice for this court.³

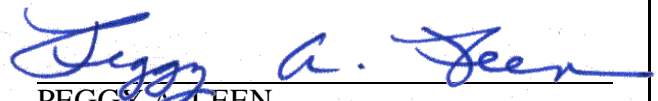
27 ³ The Federal Rules of Civil Procedure may be accessed on the United States Courts website at:
28 www.uscourts.gov/rules-policies/current-rules-practice-procedure/federal-rules-civil-procedure. The
Local Rules of Practice may be accessed and downloaded from this court’s website at:

1 Accordingly,

2 **IT IS ORDERED:**

- 3 1. Plaintiff Jaime R. Sanchez's Motion for Service by Marshals (ECF No. 10) is
4 **DENIED.**
- 5 2. The Complaint (ECF No. 1) is DISMISSED without prejudice and with leave to file an
6 amended complaint by **May 16, 2019.**
- 7 3. The Clerk of Court shall MAIL Mr. Sanchez one blank form Non-Prisoner Complaint
8 for Violation of Civil Rights (Pro Se Form 15), one copy of the Complaint (ECF No. 1),
9 and one copy of this Order.
- 10 4. The amended complaint must be a complete document in and of itself and will
11 supersede the original complaint in its entirety. Any allegations, parties, or requests
12 for relief from prior papers that are not carried forward in the amended complaint will
13 no longer be before the court.
- 14 5. Mr. Sanchez shall clearly title the amended complaint as such by writing "FIRST
15 AMENDED" immediately above "Complaint for Violation of Civil Rights" on the first
16 page and 2:19-cv-00389-JAD-PAL in the space for "Case No."
- 17 6. Mr. Sanchez's failure to comply with this Order by filing an amended complaint on the
18 correct form before the **May 16, 2019** deadline will result in a recommendation to the
19 district judge that this case be dismissed.

20 Dated this 16th day of April 2019.

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23 PEGGY A. LEEN
24 UNITED STATES MAGISTRATE JUDGE
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